

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

YAUNG, et al. Confirmation No: 2684
Serial No: 09/800,400 Group Art Unit: 2176
Filed: March 5, 2001 Examiner: Sain, Gautam
For: METHOD AND SYSTEM FOR PROVIDING PUBLISHING ON A
DYNAMIC PAGE BUILDER ON THE INTERNET

REPLY BRIEF

Janyce R. Mitchell
Attorney for Appellants
International Business Machines Corporation
Sawyer Law Group LLP

TOPICAL INDEX

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF THE INVENTION
- VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
- VII. ARGUMENTS
 - A. Summary of the Applied Rejection
 - B. The Cited Prior Art
 - C. Claims 1-3, 6-10, 13-17, and 20-21 Are Not Unpatentable Under 35 U.S.C. §103.
 - D. Claims 4-5, 11-12, 18-19 and 22-23 Are Not Unpatentable Under 35 U.S.C. §103.
 - E. Summary of Arguments
- VIII. CLAIMS APPENDIX
- IX. EVIDENCE APPENDIX
- X. RELATED PROCEEDINGS APPENDIX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

YAUNG, et al.	Confirmation No: 2684
Serial No: 09/800,400	Group Art Unit: 2176
Filed: March 5, 2001	Examiner: Sain, Gautam
For: METHOD AND SYSTEM FOR PROVIDING PUBLISHING ON A DYNAMIC PAGE BUILDER ON THE INTERNET	

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellant herein files a Reply Brief to the Examiner's Answer, drafted in accordance with the provisions of 37 C.F.R. § 1.193(b)(1) as follows:

I. REAL PARTY IN INTEREST

A statement identifying the Real Party in Interest is contained in the Appeal Brief.

II. RELATED APPEALS AND INTERFERENCES

A statement identifying the related appeals and interferences is contained in the Appeal Brief.

III. STATUS OF CLAIMS

A statement identifying the status of the claims is contained in the Appeal Brief.

IV. STATUS OF AMENDMENT

A statement identifying the status of amendments is contained in the Appeal Brief.

V. SUMMARY OF THE INVENTION

The present invention provides a method and system for publishing a message using a page builder tool. The page builder tool is for providing a web page and linking the web page to a searchable database. The method and system comprise providing a message caching agent, a message cache and a message publishing agent. The message caching agent receives the message and provides the message to the message cache. The message publishing agent is coupled to the message cache and the page builder tool. The message publishing agent retrieves the message from the message cache and allows the message to be published on a web browser through the page builder tool. The message publishing agent allows the message to be published on the web browser by pushing the message to the web browser through the page builder tool.

For example, Figures 2-4 depicts embodiments of the page builder tool and methods in accordance with the present invention. Figure 2 depicts one embodiment of a page builder tool 100. The page builder tool 100 includes a message publishing agent 104, a message cache 106, a message caching agent 108, and a conventional page builder tool 102. The message caching agent 108 places messages in the message cache 106, which stores the message for later publishing. Specification, page 5, lines 7-10. In a preferred embodiment, the message cache is a flat file on the server side of the conventional dynamic page builder 102. Specification, page 5,

lines 10-12. The message publishing agent 104 utilizes the conventional page builder tool 102 to publish the message on the web browser 30. Specification, page 5, lines 13-21. The message publishing agent may publish the message by passing the messages to a portion of the web page build using the page builder tool 100. Specification, page 5, lines 17-23.

Figure 3 depicts a system 110 using the page builder tool 100 in conjunction with other components. Specification, page 6, lines 18-23. Also depicted in Figure 3 are a message publishing tool 130, datastore 140, and macro definitions 120 including message macro definitions 122. The message publishing tool 130 is coupled with the message caching agent 108 and is used to create the messages to be published. Specification, page 7, lines 15-22. The messages are provided to the message caching agent 108, stored using the message cache 106, and published utilizing the message publishing agent 104 and page builder tool 100.

Figure 4 depicts a high-level flow chart of a method for publishing messages using the page builder tool 100. Specification, page 8, lines 3-5. The messages are received, stored in the message cache, and then published. Specification, page 8, lines 5-12. Similarly, Figure 5 depicts a more detailed flow chart of a method in accordance with the present invention for publishing a message.

Using the page builder tool 100 and the method 200 or 250, messages may be published. The messages may be pushed, allowing clients to obtain the most recent messages without refreshing the web page. Specification, page 9, lines 9-11. The page builder tool can automatically publish the message after the message has been provided by the administrator. Specification, page 9, line 11-15. Thus, performance may be improved.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1) whether claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, and 21 are each unpatentable under 35 U.S.C. § 103 as being obvious in light of U.S. Patent No. 6,546,387 (Triggs) in view of U.S. Patent No. 6,714,219 (Lindhorst); and

(2) whether claims 4, 5, 11, 12, 18, 19, 22 and 23 are each unpatentable under 35 U.S.C. § 103 as being obvious over Triggs in view of Chandra in further view of U.S. Patent No. 6,697,825 (Underwood) in further view of Lindhorst.

VII. ARGUMENTS

A. Summary of the Applied Rejections

In the Final Office Action, dated February 6, 2006, the Examiner rejected claims 1, 2-3, 6-8, 10, 13-17, and 20-21 under 35 U.S.C. § 103 as being unpatentable over Triggs in view of Chandra, in further view of Lindhorst. In particular, the Examiner cited portions of cols. 2, 5, and 8 of Triggs. The Examiner further relied upon paragraphs 341 and 362 of Chandra as teaching the recited message cache. The Examiner also relied upon Lindhorst as teaching the recited message publishing agent. In particular, the Examiner cited col. 15, lines 15-18 and col. 4, lines 31-32 of Lindhorst for this teaching.

The Examiner further rejected claims 4, 5, 11, 12, 18, 19, 22, and 23 under 35 U.S.C. § 103 as being unpatentable over Triggs in view of Chandra in further view of Underwood in further view of Lindhorst. In so doing, the Examiner cited Underwood as teaching the recited message publishing macros. In so doing, the Examiner cited the web definer, content definer, and manager in cols. 9-67 (particularly cols. 27 and 50) of Underwood.

In response to Appellant's arguments, in the Examiner's Answer, the Examiner indicated that the claims "do not positively recite any limitations requiring 'prior to the messages being published.'" In addition, with respect to Appellant's arguments that the cited references neither teach nor suggest broadcasting the message, the Examiner and cited Triggs, col. 2, lines 35-43 and col. 1, line 66.

Appellant respectfully requests that the Board reverse the Examiner's final rejection of claims 1, 2-3, 6-8, 10, 13-17, and 20-21 under 35 U.S.C. § 103 and the Examiner's final rejection of claims 4, 5, 11, 12, 18, 19, 22, and 23 under 35 U.S.C. § 103.

B. The Cited Prior Art

Triggs describes a system for managing information on a computer network. Triggs, Abstract. Triggs describes an email reader and a web builder, which the Examiner cited as corresponding to the recited message caching agent and page builder tool, respectively. The email reader monitors email accounts and if the appropriate messages are available, posts the messages to a server. Triggs, col. 5, lines 54-57. To post the message to the server, however, the email reader simply provides the message to the server, which may perform further processing on the message. Triggs, col. 8, lines 18-22. Thus, the email reader of Triggs apparently uploads the message directly to the server. The uploaded message is placed in a particular category of information on the server. Triggs, col. 8, lines 59-64. Employees of the organization who subscribe to the category may be notified that a new content exists. Triggs, col. 8, lines 64-65. The employees may access the new content through a web page. Thus, Triggs also describes a conventional web builder tool that allows a user to build or add content to a web page. Triggs, col. 8, lines 49-67.

Chandra describes a method for associating related messages in computer storage. Chandra, Abstract. Chandra describes creating "snapshots" of transportable application dynamic data, and storing these snapshots in a local cache so that the user can view the snapshots off line. Chandra, paragraph 362. Thus, the snapshots are provided to the local cache for the limited purpose of viewing the snapshots by the client. Chandra, paragraph 362. Chandra separately describes pushing of notifications, or alert messages, to the user. See, for example, Chandra, paragraphs 184, 535, and 536. However, the user apparently must still act in response to the notification.

The vast majority of Lindhorst relates to providing a development environment. Lindhorst, Abstract and col. 1, lines 19-22. In particular, Lindhorst describes creating a drag and drop development environment for editing page scripts. Lindhorst, col. 4, line 65-col. 7, line 15. The cited portion of Col. 4 of Lindhorst merely describes ASP caching in order to maintain session and application state information. Lindhorst, col. 4, lines 31-33. Lindhorst does mention in passing that the "initial instantiation [of objects for a page] . . . may occur without a request from a browser, for example, for the purposes of broadcasting or multicasting using a push web model." Lindhorst, col. 14, lines 10-20; col. 15, lines 15-18; and FIG. 5. However, Appellant has found no corresponding mention of pushing a message to a web browser.

Underwood describes a technique for modifying a web site. Underwood, Abstract. In so doing, Underwood teaches the use of a Web Definer. In particular, Underwood does describe the use of Definer "macros", which are meaningful only in the Definer environment. Underwood, col. 50, lines 38-42. The macros are functions in the Definer environment that perform tasks such as inserting scripts, sending notification messages, allowing a user to edit text. Underwood, col. 50, line 7-col. 51, line 2.

C. Claims 1-3, 6-10, 13-17, and 20-21 Are Not Unpatentable Under 35 U.S.C. §103.

Appellant respectfully submits that the applied rejections of claims 1, 7, and 14 under 35 U.S.C. § 103 are without merit as the Examiner has completely failed to explain why Triggs in view of Chandra in further view of Lindhorst teaches or suggests the method, computer-readable medium, and system recited in claims 1, 7 and 14.

Triggs in view of Chandra in further view of Lindhorst fail to teach or suggest the recited combination including the message caching agent that stores the message in the local message cache, and a message publishing agent that retrieves the message from the message cache and pushes the message to a browser, thus publishing the message through the page builder tool.

Appellant respectfully draws the Boards attention to the arguments made in the Appeal Brief.

The Examiner's assertions in the Examiner's Answer that the claims do not positively recite limitations relating to the message prior to the message being published and the Examiner's conclusion that Triggs teaches broadcasting the message do not change this conclusion.

As argued in the Appeal Brief, Triggs fails to teach or suggest a combination of elements that uses a separate message cache local to the page builder tool, that stores the message in the message cache using one entity, and retrieves the message from the message cache using a separate entity, the message publishing agent, prior to the message being published.

Claims 1, 7, and 14 all recite a combination of elements that uses a separate message cache local to the page builder tool, that stores the message in the message cache using one entity, and retrieves the message from the message cache using a separate entity, the message publishing agent, prior to the message being published. Independent claims 1, 7, and 14 recite a system, method, and

computer-readable medium, respectively, for publishing a message using a page builder tool that provides a web page and links the web page to a searchable database. Claim 1 recites:

a message cache coupled to the message caching agent . . . the message cache receiving the message from the message caching agent . . . [and] being a local cache for the page builder tool; and
a message publishing agent . . . *for retrieving the message from the message cache and allowing the message to be published . . . by pushing the message to the web browser through the page builder tool.*

Similarly, claim 7 recites:

storing the message in a message cache connected to the page builder tool using a message caching agent, the message cache being a local cache for the page builder tool;
retrieving the message from the message cache and publishing the message on a web browser through the page builder tool, wherein the publishing further includes
utilizing the message publishing agent to push the message to the web browser.

Claim 14 also recites:

storing the message in a cache connected to the page builder tool using a message caching agent, the message cache being a local cache for the page builder tool;
retrieving the message from the message cache and publishing the message on a web browser through the page builder tool, the publishing further including
utilizing the message publishing agent to push the message to the web browser.

Claims 1, 7, and 14 all recite a combination including storing the message in the local message cache using the message caching agent, retrieving the message and publishing the message by pushing the message to the web browser through the page builder tool using a message publishing agent. Thus, although the claims do not specifically recite that the message is retrieved by the message publishing agent “prior” to publication, the claims do recite that the message is stored in the message cache. The claims also recite that the message cache receives the message from the message caching agent (i.e. that the message is stored in the message cache

by the message caching agent) rather than another entity. The claims further recite that the message is retrieved from the message cache and published using the publishing agent by pushing the message to the web browser. Appellant also notes that the specification describes the message caching agent storing the message in the message cache, the message publishing agent subsequently retrieving the message from the message cache, and then publishing the message by pushing the message to the web browser. Specification, page 5, lines 7-23; page 6, line 18-page 7, line 22; and page 8, lines 3-12. Consequently, although the word “prior” is not used in the claims, the remaining language of the claims, particularly when read in light of the specification, makes it clear that that the message is stored in the local message cache by one entity (the message caching agent) and retrieved from the cache by another entity (the message publishing agent) prior to being published.

Chandra fails to remedy this defect of Triggs. Appellant agrees that Chandra describes creating “snapshots” and storing these snapshots in a local cache so that the user can view the snapshots off line. However, these snapshots are provided to the local cache for the limited purpose of viewing by the client. Chandra, paragraph 362. Consequently, although a local cache is present, it is not used in storing messages for publication. For similar reasons, the local cache not accessed by a message publishing agent or a message caching agent.

Moreover, Appellant respectfully disagrees with the Examiner’s conclusion that Triggs teaches pushing the message to the web browser. When new content in the email is received, Triggs describes uploading the message to a server. Triggs, col. 5, lines 54-59. However, there is no indication that the message is pushed to the browser of an employee. Triggs also describes notifying employees of the new content posted. Triggs, col. 8, lines 64-65. However, this notification takes the form of an email message indicating that new content is available, rather than

the publishing of the message via a message publishing agent and a page builder tool. See, for example, Triggs, col. 8, liens 64-65 and col. 10, lines 16-39 (describing the use of personal delivery agents which the receiver of content configures to obtain content relevant to them). Triggs does not describe providing this notification by pushing the message itself to the browser of the employees. In addition, the portion of Triggs cited by the Examiner (col. 4, lines 13-15) merely describes the general workings of the system of Triggs including the dissemination of information but does not contain any mention of pushing the message to any entity.

Chandra fails to remedy the defects of Triggs. Appellant has found no mention in Chandra of pushing the message being published to web browsers. Instead, any pushing of messages appears limited to email messages. There is no indication in Chandra that such messages would be provided to a web browser. Like Triggs, Chandra fails to teach or suggest a system, method, or computer-readable medium that uses a message caching agent to store the message to a message cache that is local to and coupled to a page builder tool, that retrieves a message from the local message cache and publishes the message through the page builder tool by pushing the message to the browser.

Thus, if the teachings of Chandra were added to the teachings of Triggs, the combination may use email readers to obtain messages and post them to the server using the teaching of Triggs. Further, the combination would provide a local cache, to allow users to view application data offline using the teachings of Chandra. The combination might also provide notifications, or email messages, by pushing them to the client using the teachings of Triggs or Chandra. However, there is no indication that the combination would use the email readers of Triggs to access the local cache of Chandra for any purpose, much less for the purpose of publishing messages. Likewise, although the combination might use the page builder of Triggs to provide web content, the page builder

would not be used by the email readers to publish messages. The combination would not push messages to the web browser of the user.

Lindhorst fails to remedy the defects of Triggs and Chandra. Lindhorst does describe macros for performing various functions. However, as previously argued in the Appeal Brief, Appellant has found no mention in the cited portions of Lindhorst of a message caching agent, a message publishing agent, a message cache that is local and accessed by the message caching agent and message publishing agent that publishes messages by pushing the message to the web browser through a page builder tool. Because the cited portions of Triggs, Chandra, and Lindhorst fail to teach or suggest the features, the combination would not utilize a message caching agent to store the message to a message cache that is a local to and coupled to a page builder tool. For the same reasons, the combination would also fail to use a message publishing agent to retrieve a message from the local message cache and publish the message through the page builder tool by pushing the message to the browser. Accordingly, for at least the above-identified reasons, Appellant respectfully submits that claims 1, 7, and 14 are allowable over the cited references.

Claims 2, 3, and 6 depend on independent claim 1. Claims 8, 9, 10 and 13 depend upon independent claim 7. Claims 15, 16, 17, 20, and 21 depend upon independent claim 14. Consequently, the arguments herein apply with full force to claims 2-3, 6, 8-10, 13, 15-17, and 20-21. Accordingly, Appellant respectfully submits that claims 2-3, 6, 8-10, 13, 15-17, and 20-21 are allowable over the cited references.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 1-3, 6-10, 13-17, and 20-21 under 35 U.S.C. § 103.

D. Claims 4-5, 11-12, 18-19 and 22-23 Are Not Unpatentable Under 35 U.S.C. §103.

Appellant respectfully submits that the applied rejections of claims 4-5, 11-12, 18-19 and 22-23 under 35 U.S.C. § 103 are without merit as the Examiner has completely failed to explain why Triggs in view of Chandra in view of Underwood in further view of Lindhorst fails teaches or suggests the method and system recited in claims 4-5, 11-12, 18-19, and 22-23.

Claims 4, 5, 11, 12, 18, 19, 22, and 23 depend upon independent claims 1, 7, and 14. Consequently, the arguments herein apply with full force to claims 4, 5, 11, 12, 18, 19, 22, and 23. Because each of the references fail to teach or suggest a system, method, or computer-readable medium that use a message caching agent to store the message to a message cache that is a local to and coupled to a page builder tool, that retrieve a message from the local message cache and that publish the message through the page builder tool by pushing the message to the browser, any combination of Triggs, Chandra and Lindhorst fail to teach or suggest such features.

As previously argued in the Appeal Brief, Underwood fails to remedy these defects of Triggs in view of Chandra in further view of Lindhorst. As a result, Trigs in view of Chandra in further view of Lindhorst and Underwood fail to teach or suggest the method, system, and computer-readable medium recited in claims 4, 5, 11, 12, 18, 19, 22, and 23. Accordingly, Appellant respectfully submits that claims 4, 5, 11, 12, 18, 19, 22, and 23 are allowable over the cited references.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 4-5, 11-12, 18-19 and 22-23 and under 35 U.S.C. § 103.

F. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that Claims 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, and 23 (all the claims presently in the application) are

patentable for defining subject matter which would not have been obvious under 35 U.S.C. § 103 at the time the subject matter was invented. Thus, Appellant respectfully requests that the Board reverse the rejection of all the appealed Claims and find each of these Claims allowable.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Reply Brief, Appellant's "APPENDIX" section is contained on separate sheets following the signatory portion of this Reply Brief.

Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 50-0563 (IBM Corporation).

Very truly yours,

January 25, 2007

/Janyce R. Mitchell/Reg. No. 40,095

Janyce R. Mitchell
Attorney for Appellants
Reg. No. 40,095
(650) 493-4540

VIII. CLAIMS APPENDIX

1. A method for providing a path for a new flow between a source node and a destination node in a network having a plurality of nodes and a plurality of links between the plurality of nodes, the plurality of nodes including the source node and the destination node, each of the plurality of links capable of including a plurality of existing flows and having a capacity, each of the plurality of existing flows including a minimum guaranteed bandwidth, the method comprising the steps of:

- (a) for a node of the plurality of nodes, determining a benefit for each link of a portion of the plurality of links, the portion of the plurality of links being coupled with the node, the benefit being determined based on the capacity of the link and the minimum guaranteed bandwidth for a portion of the plurality of existing flows that is through the link, the node being a part of the path; and
- (b) selecting a link of the portion of the plurality of links to be part of the path, the link having a maximum benefit for the first portion of the plurality of links, the link coupling the node with a second node of the plurality of nodes.

2. The method of claim 1 further comprising the steps of:

- (c) determining a next node of the plurality of nodes as being a node connected to the link selected in step (b).

3. The method of claim 1 wherein the benefit is the capacity minus the sum of the minimum guaranteed bandwidth for each existing flow of the portion of the plurality of existing flows through the link.

4. The method of claim 2 further comprising the step of:
(d) repeating the benefit determining step (a), the link selecting step (b) and the next node determining step (c) until the destination node is reached.

5. The method of claim 3 further comprising the step of:
(e) determining a net benefit for the path, the net benefit of the path being the lowest maximum benefit.

6. The method of claim 2 wherein the benefit determining step (a) further includes the step of:

(a1) eliminating a particular link of the plurality of links if the benefit for the particular link is less than or equal to zero.

7. The method of claim 2 further comprising the step of:
(d) determining whether the path between the source node and destination node can exist; and
(e) notifying a user if the path cannot exist.

8. A computer-readable medium including a program for providing a path for a new flow between a source node and a destination node in a network having a plurality of nodes and a plurality of links between the plurality of nodes, the plurality of nodes including the source node and the destination node, each of the plurality of links capable of including a plurality of existing

flows and having a capacity, each of the plurality of existing flows including a minimum guaranteed bandwidth, the program including instructions for:

- (a) for a node of the plurality of nodes, determining a benefit for each link of a portion of the plurality of links, the portion of the plurality of links being coupled with the node, the benefit being determined based on the capacity of the link and the minimum guaranteed bandwidth for a portion of the plurality of existing flows that is through the link, the node being a part of the path; and
- (b) selecting a link of the portion of the plurality of links to be part of the path, the link having a maximum benefit for the first portion of the plurality of links, the link coupling the node with a second node of the plurality of nodes.

9. A system for providing a path for a new flow between a source node and a destination node in a network having a plurality of nodes and a plurality of links between the plurality of nodes, the plurality of nodes including the source node and the destination node, each of the plurality of links capable of including a plurality of existing flows and having a capacity, each of the plurality of existing flows including a minimum guaranteed bandwidth, the system comprising:

first logic for determining a benefit for each link of a first portion of the plurality of links coupled to a node in the path, the benefit being determined based on the capacity of the link and the minimum guaranteed bandwidth for a portion of the plurality of existing flows that is through the link;

second logic for selecting a link of the first portion of the plurality of links to be part of the path, the link having a maximum benefit for the first portion of the plurality of links; and

a memory coupled with the first logic and the second logic, the memory for storing an identity of the link.

10. The system of claim 9 further wherein the second logic automatically determines a next node of the plurality of nodes as being a node connected to the link selected by the second logic.

11. The system of claim 9 wherein the benefit is the capacity minus the sum of the minimum guaranteed bandwidth for each existing flow of the portion of the plurality of existing flows through the link.

12. The system of claim 9 wherein a net benefit for the path is determined, the net benefit of the path being the lowest maximum benefit.

13. The system of claim 10 wherein the first logic further eliminates a particular link of the first portion of the plurality of links if the benefit for the particular link less than or equal to zero.

14. The system of claim 10 further comprising:
third logic for determining whether the path between the source node and destination node can exist and for notifying a user if the path cannot exist.

IX. EVIDENCE APPENDIX

X. RELATED PROCEEDINGS APPENDIX